



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL13-064	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	May 14, 2013	
Deadline for Action	Application Date	April 8 2013	60 Days	June 7, 2013
	Date Extension Letter Mailed	April 19, 2013	120 Days	August 6, 2013
Location of Subject	10 Industrial Ave. (Riverside)			
Applicant	Nancy Nilsen - Riverside Retreat, LLC	Contact	nancynilsen@hotmail.com, 218-343-5383	
Agent	Same	Contact		
Legal Description	Lot 5, Block 3, Riverside Division (010-3970-00260)			
Site Visit Date	April 29, 2013	Sign Notice Date	April 27, 2013	
Neighbor Letter Date	April 25, 2013	Number of Letters Sent	50	

Proposal

Interim Use Permit for one vacation dwelling unit consisting of three bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	One-family dwelling	Traditional Neighborhood
North	R-1	One-family dwelling	Traditional Neighborhood
South	R-1	One-family dwelling	Traditional Neighborhood
East	R-1	One-family dwelling	Traditional Neighborhood
West	R-1	One-family dwelling	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Sec. 50-37.10.B ... Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The ... Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.

UDC Sec. 50-37.10.E ... the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures or improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

F-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities

Governing Principle #5 - Strengthen neighborhoods

Future Land Use - Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

- 4-8 units/acre
- Form standards and conservation development an option
- Mix of housing types (i.e. town homes and 4-plexes) at corners
- Limited commercial uses (i.e., 'corner store') serving neighborhood market

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The applicant has submitted the required materials and agency approvals except for a Fire Operational Permit from the City and a Lodging License from the State. These agencies have made inspections of the site and the applicant has made the required improvements including the recent installation of egress windows that meet code. The City and State will soon reinspect and issue a Fire Operational Permit and Lodging License if the new windows comply. Staff recommends that a condition of approval be that the applicant obtain the required Fire Operational Permit and Lodging License.
- 2.) The applicant is required to provide 2 off-street parking spaces. There is one space in the existing driveway leading to a former tuck-under garage in the southeast corner of the house. The second space is located in an existing unimproved alley near the driveway. The applicant has applied for vacation of this alley (see PL 13-059 also on the May 14 agenda) to be able to count this parking space as being on their lot. Staff recommends that a condition of approval be the vacation of the alley.
- 3.) The applicant is the managing agent. They live within the required distance from the site and have provided the required notification to neighbors within 100'.
- 4.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit at this location can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The time limit will be up to six years from the effective date of the Council resolution approving the interim use permit.

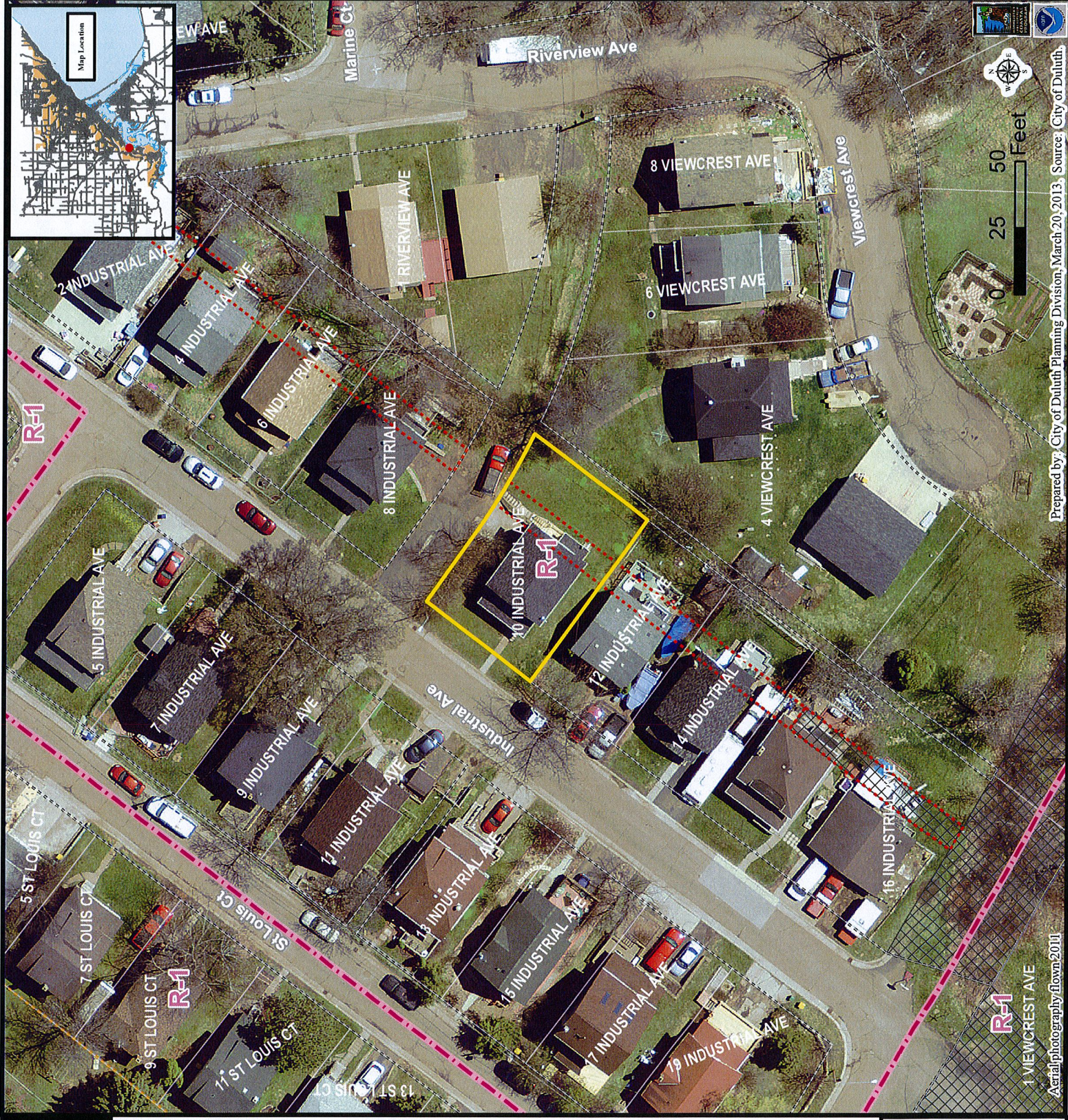
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit subject to the following conditions:

- 1.) The Interim Use Permit shall not be effective until the Fire Operational Permit has been granted by the City Fire Department and the Lodging License has been granted by the State Department of Health; and
- 2.) The Interim Use Permit shall not be effective until the alley vacation has been completed; and
- 3.) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications deemed necessary by the Land Use Supervisor provided that no such administrative approval shall constitute a variance from Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

F-2




City Planning
 PL 13-064
 Interim Use Permit
 10 Industrial Avenue

Legend

Right-of-Way Type

..... Road or Alley ROW

 Vacated ROW

Easement Type

 Utility Easement

 Other Easement

 Zoning (Final)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

F-3

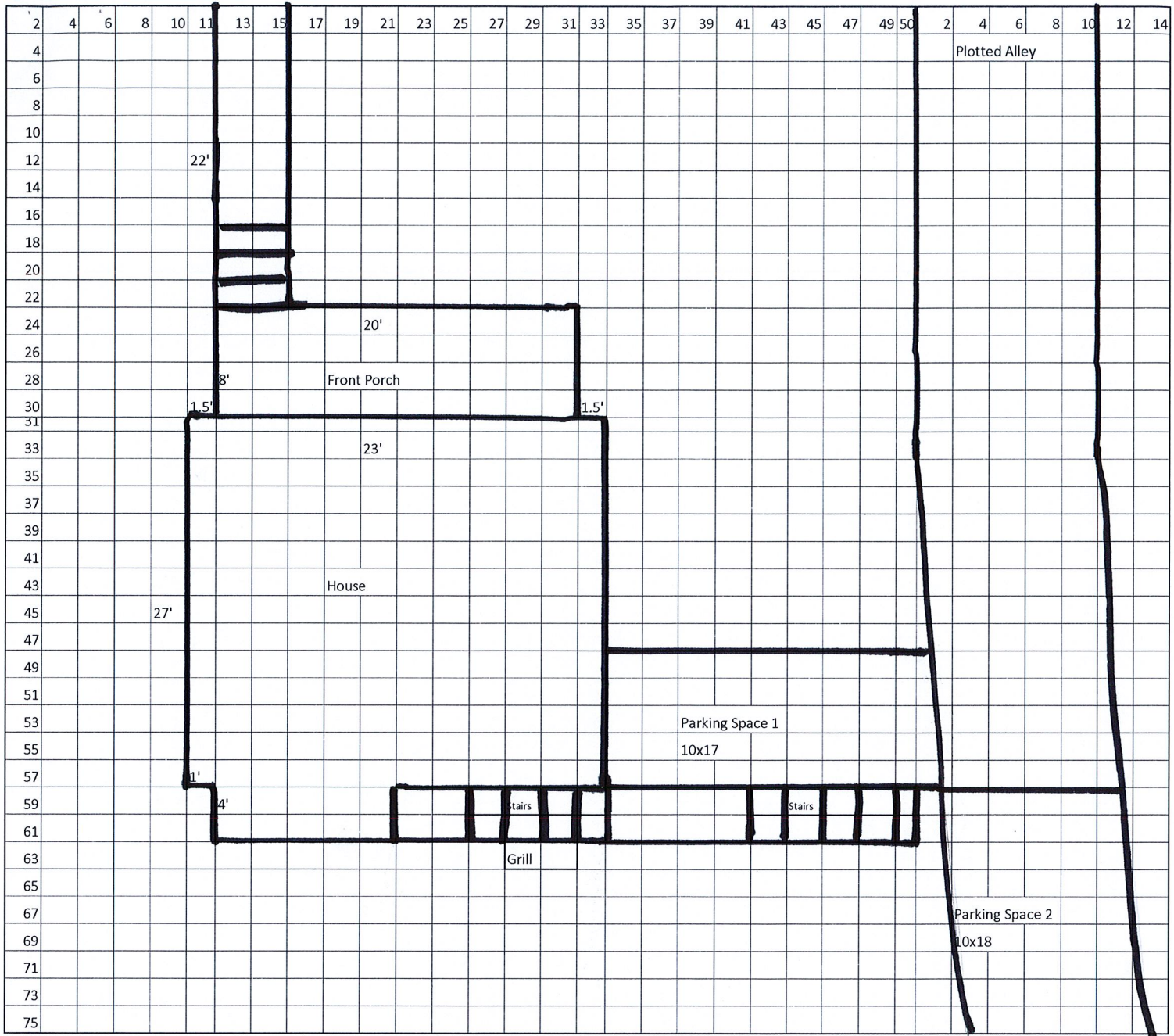
Aerial photography from 2011

Prepared by: City of Duluth Planning Division, March 20, 2013. Source: City of Duluth.



F-4





F-6